

REMARKS

Claims 1 to 21 are pending in the application; claim 22 has been canceled.

Specification

Apparently, the specification contains errors resulting from the conversion of the original text file into the USPTO text format (the degree character was converted to the letter "E"). The paragraphs containing these errors have been corrected.

Claim Rejections - 35 U.S.C. 112

Claims 4, 9-13, 16-18, and 22 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite.

In claim 4, the wording "non-positively" is objected to. It is respectfully submitted that this is a term of the art defining usually a frictional coupling or connection. Attached are copies of pages of three U.S. patents and one published U.S. patent application that show the term "nonpositive". It is therefore respectfully submitted that the rejection of "nonpositive" as indefinite is unfounded.

In claim 9, the wording "energy source" has been eliminated from the claim.

In claim 16, the language has been revised to define means for securing the upper and lower sections in defined positions relative to one another. This refers to the adjustment of the sections 10 and 11 of the handlebar 6 described in connection with Fig. 7; see paragraph 0048.

Claim 22 has been canceled.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested.

Rejection under 35 U.S.C. 103

Claims 1, 2, 3, 4, 6, 7, 19, 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Wallen* (US 4,017,091) and *MacDougall* (US 6,168,174).

The present invention concerns a carriage having a chassis 3 comprising a motor housing 35 as well as a battery receptacle 18. Because the battery receptacle 18 is provided inside the chassis, the battery received in the battery receptacle 18 can remain in the transport state of the carriage within the chassis and must not be removed and

- 12 -

4/7/05: Amd for Ser. No. 10/709,559 - Inventor(s): Siegfried Fricker - Filing Date: 5/13/2004

transported separately. In the state of use of the carriage, the chassis is arranged such that its longitudinal extension is parallel to the ground. In this way, the battery receptacle 18 can remain open in the upward direction in the state of use. Due to its weight, the battery rests safely within the receptacle. Because the chassis 3 and thus also the battery receptacle 18 are positioned at a minimal spacing above the ground, the center of gravity of the carriage is low to the ground so that the carriage as a whole is very stable against tilting.

U.S. 4,017,091 discloses a golf cart for transporting a set of golf clubs. Because the cart itself is also the container for the golf clubs, the cart is not versatile and is essentially limited to transporting the golf clubs. For example, the maximum number of golf clubs to be transported is limited from the beginning because club recesses 17 are provided. Additional equipment cannot be transported on the carriage. A drive or motor is not provided for the carriage according to *U.S. 4,017,091*. There is no indication or suggestion hinting at providing the cart with a drive. For these reasons, the carriage of *U.S. 4,017,091* differs in principle from the present intention.

US 6,168,174 is cited by the examiner as showing a third wheel. However, this cart also does not have a drive with motor and battery.

The combination of *US 4,017,091* and *US 6,168,174* therefore cannot make obvious the invention as claimed in amended claim 1 and its dependent claims 2, 3, 4, 6, 7, and 19.

Claims 1, 5, 8, 9, 12, 16, 17, 18, 19, 20, 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Reimers (US 5,899,284)*.

U.S. 5,899,284 discloses a driven cart for transporting a golf bag. The frame assembly 20 is comprised of a base portion 32 on which the support bracket 64 for the battery is mounted. The frame assembly 20 further comprises an upright portion 34 and a handle portion 36. The support bracket 64 for the battery is arranged above the axis of the drive wheel assembly 24. The battery support bracket 64 is parallel to the base portion 32; the base portion 32 and thus also the support bracket 64 are positioned at a slope to the ground (see col. 7, lines 5-7; see Figs. 1 and 3). This arrangement above the wheel axes and at a slope to the ground causes the center of gravity of the cart to be relatively

- 13 -

4/7/05: Amd for Ser. No. 10/709,559 - Inventor(s): Siegfried Fricker - Filing Date: 5/13/2004

high above the ground so that the cart is not very stable and susceptible to tilting.

In the transport state, the battery must be removed from the support bracket 64 (see col. 10, lines 4-7). The portions 34 and 36 as well as the support 50 for the golf bag in the folded state rest on the support bracket 64 for the battery (Fig. 2). The battery must be removed from the receptacle 64 so that the carriage can be folded into the store mode. There is no suggestion to provide a battery receptacle inside the chassis as the chassis is simply tube member and has a bracket attached for supporting the battery.

Claim 1 as amended is therefore not obvious in view of the cited reference.

Claim 8 of the Instant application is concerns a pivotable frame element as discussed in connection with Fig. 8. The frame element 12 has secured thereat both front wheels and allows a folding action of the frame element 12 in a direction parallel to the axis of rotation of the front wheels as described in detail in paragraph 0049 in connection with Fig. 8 of the instant specification. Such an arrangement enables pivoting of a portion of the chassis for reducing the length of the chassis.

In contrast to this, the prior art reference *U.S. 5,899,284* has a front wheel assembly 22 comprising a collapsible parallelogram assembly for each wheel as described in detail in col. 7, lines 16ff. These two lateral collapsible assemblies allow the front wheels to be folded inwardly against the base portion 32. The width of the frame assembly is thus reduced; compare Fig. 1 (position of use) and Fig. 2 (collapsed state). *U.S. 5,899,284* thus enables a reduction of the width but not a reduction of the length of the chassis.

The present invention has front wheels that are positioned closely adjacent to one another so that an additional reduction of the width in the area of the front wheels is not needed. The combination of two removable rear wheels that are provided with half shafts and two front wheels provided on a foldable frame element thus provides in the transport state a reduced width (removable wheels 4) as well as a reduced length (wheels 5 on foldable frame element 12) of the chassis. There is no suggestion or teaching for such a configuration in *U.S. 5,899,284*. Claim 8 is therefore not obvious in view of the prior art.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Reimers (US 5,899,284)* and *Shepard et al. (US 4,846,295)*.

According to instant claim 10, the poles of the battery are resting on bow contacts.

- 14 -

4/7/05: Amd for Ser. No. 10/709,559 - Inventor(s): Siegfried Fricker - Filing Date: 5/13/2004

According to cited reference *U.S. 4,846,295*, the contacts press laterally against the battery. The force with which the contacts press against the battery corresponds to the pretension of the contacts. In contrast to this, in the present invention the battery rests with its entire weight on the bow contacts. In this way, it is ensured that even when the carriage experiences a great jolt, for example, when driving across uneven ground, the battery rests safely on the contacts and supply of energy is not interrupted accidentally. Such a configuration is not disclosed in the cited prior art reference.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Reimers (US 5,899,284)* and *LaPointe et al. (US 5,747,965)*.

According to claim 11, the plug-in contact for connecting the battery and the motor is arranged directly adjacent to a receptacle for the half shaft. In this way, it is achieved that the connection between motor and battery must be interrupted by pulling the plug-in contact before the half shaft of a wheel can be arranged within the receptacle for converting the carriage from the state of use into the transport state. In this way, it is ensured that in the transport state the electrical connection of battery and motor is interrupted. There is no suggestion in the cited prior art for such a configuration. In particular, *U.S. 4,846,295* does not show a receptacle for a half shaft in the transport state. Thus, claim 11 is also not obvious in view of the prior art.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 103 are therefore respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 13 and 14-15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejection(s) under 35 USC 112, 2nd paragraph, where applicable.

Claim 13 has been amended to include the features of claims 1, 8, 9, and 12 from which it originally depended and should thus be allowable.

Claim 14 has been amended to include the features of claims 1 and 8 from which it originally depended and should thus be allowable.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for

- 15 -

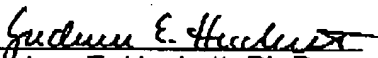
4/7/05: Amd for Ser. No. 10/709,559 - Inventor(s): Siegfried Fricker - Filing Date: 5/13/2004

allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on April 7, 2005,


Ms. Gudrun E. Hockett, Ph.D.
Patent Agent, Registration No. 35,747
Lönsstr. 53
42289 Wuppertal
GERMANY
Telephone: +49-202-257-0371
Facsimile: +49-202-257-0372
gudrun.draudt@t-online.de

GEH

Encl.: copy of front page of U.S. 5,333,712 (1 page)
copies of front page and cols. 1-4 of U.S. 5,389,053 (3 pages)
copies of front page and cols. 7-8 of U.S. 6,105,745 (2 pages)
copies of front page and pages 1, 3, 4 of US 2004/0245063 A1 (4 pages)

- 16 -

4/7/05: Amd for Ser. No. 10/709,559 - Inventor(s): Siegfried Fricker - Filing Date: 5/13/2004